

(SRI J. MOHAMED IMAM).

bring out in the form of a short-notice question.

Mr. SPEAKER.—Supposing the event had occurred on the 17th or 18th instead of on the 22nd, then, I suppose a question would have been sent.

Sri J. MOHAMED IMAM.—Then, we would have sent a resolution. I am certain in my mind that this adjournment motion must be allowed, because, it satisfies all the requirements. The interpretation of a parliamentary opportunity is: it must be given and it must be definite. I submit that any casual opportunity to mention the subject casually cannot be considered as a parliamentary opportunity sufficient in those cases where statutory provision is made. I submit that this is a fit case to be admitted as an adjournment motion. If it is not so, then I have to say that this House will lose a very valuable right to express its opinion on the actions of Government.

ಶ್ರೀ ಬಿ. ಹುಚ್ಚೇಗೌಡ (ತುರುವೇಕೆರೆ).—22ನೆಯ ತಾರೀಖಿಗೆ ಬದಲಾಗಿ 17ನೆಯ ತಾರೀಖು ಮಾಡಿದ್ದಿದ್ದರೆ ನಾವು ಈ ನಿಲುವಳಿ ಸೂಚನೆಯನ್ನು ತರುತ್ತೇ ಇರಬಲ್ಲ.

Mr. SPEAKER.—As Hon'ble Members are aware, I indicated during the previous sessions that an adjournment motion is not usually admitted when ordinarily a parliamentary opportunity will shortly occur for raising this subject for debate. We have set apart today and tomorrow for the debate on the 'Motion of Thanks' when this subject could be taken up for discussion. Further, opportunities will occur during the general discussion of the Budget and voting of demands for the relative grants. Also Members are at liberty to table a short notice question with the consent of the concerned Minister. Under these circumstances, I disallow this adjournment motion.

(2) Shooting by the Police at K.G.F.

Mr. SPEAKER.—There is another adjournment motion. Sri J. Mohamed Imam and Sri S. Srinivasa Iyengar have

given notice of another adjournment motion which is as follows :

"That this House do stand adjourned to raise a debate on a definite matter of urgent public importance and of recent occurrence, namely, the recent shooting by the Police at K.G.F., resulting in several casualties."

* **Sri A. G. RAMACHANDRA RAO** (Leader of the House).—I concede that it is a matter of urgent public importance and also of recent occurrence. But at the same time, it is a matter, unfortunately, *sub judice*. The facts of the case are these.—

On 22nd February 1953, a procession of the S.C.F. members was taken out as a protest against the arrest of one C. M. Armugam and to assault Chowri (complainant in the Marikuppam case). Section 45 of the Mysore Police Act is in force in the area where the processionists in defiance paraded. The Special Superintendent of Police accompanied by the Assistant Superintendent of Police and M.A.R.P. party arrived on the scene. The party continued to pelt stones resulting in several injuries to the Police, including the Senior Superintendent of Police and Assistant Superintendent of Police. In self-defence, the Police opened fire. Five rounds were fired. One person who was in the mob died. Cease-fire was ordered as soon as the mob showed inclination to disperse. A case in Crime No. 111/63 of Robertsonpet Police Station under Sections 147, 148, 334, 336, 337 and 149, I.P.C., was registered. Twenty persons were arrested. Investigation of this case disclosed that Sri Swamidurai, Member, Legislative Assembly and the President of the S.C.F., actually instigated the S.C.F. members to take out procession in defiance of the prohibitory order under Section 45 of the Mysore Police Act in force and to commit offences of the kind mentioned above. He was therefore brought under arrest on 27th February 1953 and was remanded to Judicial custody till 2nd March 1953. The Hon'ble Speaker was apprised of the situation.

On 2nd March 1953, after the investigation was completed, the charge-sheet was submitted against the above 21 accused and four other absconding accused under Sections 147, 143, 332, 333, 336, 149, 34 and 109, Indian Penal Code. The case was taken on file in C.C. No. 668—53 on the file of the Special First Class Magistrate, Kolar Gold Fields. The bail application was moved. The Hon'ble Court refused to enlarge Sri Swami Durai on bail on 4th March 1953. The accused was remanded to custody. The case is posted to 17th March 1953 for evidence. In the meanwhile, it is ascertained that an appeal is preferred before the Sessions Judge, Bangalore, to enlarge Sri Swami Durai on bail and that the appeal is posted to 9th March 1953, that is, today, at Bangalore.

Hence it will be readily seen that this case refers to a matter pending before the judiciary and the adjournment motion is not admissible according to the Rules of Business of this Hon'ble House.

Sri K. PATTABHIRAMAN (Kolar).—May I just seek some clarification? The adjournment motion says—to discuss the matter arising out of shooting there. The arrest, the criminal proceedings—they are *sub judice*. May I know what exactly in the adjournment motion is *sub judice*?

Sri A. G. RAMACHANDRA RAO.—It will prejudice the trial of this case.

Sri K. PATTABHIRAMAN.—Then the *sub judice* ground is withdrawn. Now the question is one of prejudice. That is not exactly the scope of the adjournment motion,

Sri A. G. RAMACHANDRA RAO.—If the proceedings are prejudiced, it attracts the attention of the House.

Sri K. PATTABHIRAMAN.—In view of this clarification, I should like to make one or two observations. The adjournment motion moved is very clear in its terms. There was a case of shooting and some person died. What has happened incidental to that—other persons who instigated and all the transactions that might have ensued—are matters beyond the scope of this adjournment motion. I

feel that it is a very important matter. I request the Speaker to give a ruling in favour of this adjournment motion and hold that the objections raised on the ground of *sub judice* cannot be sustained.

***Sri J. MOHAMED IMAM (Jagalur).—**In support of the arguments advanced by my friend, I may say that the fact of actual shooting is not a matter of *sub judice*. Whether the Police have behaved responsibly—that is the question. This is a matter which is within the purview of the executive Government and it should be enquired by the Government. In that sense, as it is a subject matter which should be enquired into by the Government, it is not a matter of *sub judice*. It is a matter between the Government and Police and, I think, it should be allowed.

***Sri K. S. VASAN (Kolar Gold Fields).—**As Hon'ble Members have spoken the subject matter of the adjournment motion is very clear and the Leader of the House has already conceded that it is a matter of very urgent public importance. While suggesting that it is a matter of *sub judice*, the Hon'ble Leader of the House has already prejudiced the case of those persons before the court by making the statement, as if to make it appear in the opinion of the public.....

Sri A. G. RAMACHANDRA RAO.—I refute that. I have only stated the facts as they are reported.

Sri K. S. VASAN.—This House must be given an opportunity to have its say. There are members here who have already known the facts of the case. It can also be equally said that there was no procession at all. If there were crowds moving from one place to another, it was not under the auspices of the Scheduled Castes Federation. There was no pelting of stones before. May be that there was police firing after pelting of stones. Before that, there was a lathi charge unprovoked and uncalled for. In these circumstances, I request that an opportunity may be given to discuss the entire matter and whether police firing was at all necessary and justified.

Sri M. LINGANNA (Nanjangud).— I want the Hon'ble Speaker to direct the Leader of the House to delete one sentence from his statement. While he made a statement, he said that Sri Swami Durai actually instigated and this is to be deleted because it may be made use of as a piece of evidence by the prosecution.

Sri A. G. RAMACHANDRA RAO.— That is exactly the reason why we should not pursue this enquiry or discussion further. It is just possible to find fault with every word. This is a report that we have received and I have placed it before this House.

Sri M. LINGANNA.—The report might have been received. Consistent with the dignity of the House and to keep up the dignity and respect of an Hon'ble Member of this House, I personally feel and many of my friends also feel that that particular word may be deleted as it reflects on the person concerned and also it may be made use of as a piece of evidence in the court. From that point of view, deletion of that word also is quite desirable and I hope that the Hon'ble Leader of the House is going to accept my suggestion.

Mr. SPEAKER.—The Hon'ble Member is a Law Graduate and he knows the significance of it.

I have to consider this in all seriousness and from all its aspects and I shall give my ruling tomorrow, if the House has no objection.

Hon'ble MEMBERS.—Yes.

Sri J. MOHAMED IMAM.—Before you go further, I want to elicit one information.

Mr. SPEAKER.—There are one or two more matters. I will come to that.

Panel of Chairmen.

Mr. SPEAKER.—Under rule 6 of the Rules of Procedure and Conduct of Business in the Legislative Assembly, the following members are nominated as the Panel of Chairmen for the Budget

Session of the Legislative Assembly, March-April 1953.

Sriyuths—

1. K. V. Shankara Gowda.
2. B. Madhavachar.
3. M. Chikkalingiah.
4. M. Palaniyappan.

CONGRATULATORY RESOLUTION ON BIRTH OF A SON TO HIS HIGHNESS:

Sri A. G. RAMACHANDRA RAO (Leader of the House).—Sir, I beg leave to move the following congratulatory resolution to His Highness Sri Jaya Chamaraja Wadiyar, Maharaja of Mysore, on the birth of a son to His Highness.

“ಮೈಸೂರು ಸಂಸ್ಥಾನದ ಶ್ರೀಮನ್ಮಹಾರಾಜ ರವರಾದ ಶ್ರೀಮಜ್ಜಯಚಾಮರಾಜೇಂದ್ರ ಒಡೆಯರ್ ಬಹದ್ದೂರ್, ಜಿ.ಸಿ.ಬಿ., ಜಿ.ಸಿ.ಎಸ್.ಐ., ಅವರಿಗೆ 1953ನೆಯ ಇಸವಿ ಫೆಬ್ರವರಿ 20ನೆಯ ತಾರೀಖು ಶುಕ್ರವಾರದ ದಿನ ಪುತ್ರೋತ್ಸವವಾದುದಕ್ಕಾಗಿ, ಈ ಸಭೆಯು ಅತ್ಯಂತ ಪ್ರೀತಿಗೌರವಪೂರ್ವಕವಾದ ಅಭಿನಂದನೆಗಳನ್ನು ಸಲ್ಲಿಸುತ್ತದೆ ಮತ್ತು ರಾಜಕುಮಾರರಾದ ಶ್ರೀ ಶ್ರೀಕಂಠದತ್ತ ನರಸಿಂಹರಾಜ ಒಡೆಯರ್ ಬಹದ್ದೂರ್ ಅವರಿಗೆ ಭಗವಂತನು ದೀರ್ಘಾಯು ರಾರೋಗೈಶ್ವರ್ಯಾದಿ ಸಮಸ್ತ ಸನ್ಮಂಗಳಗಳನ್ನು ಕೈಮಾಡರೆಂದು ಭಕ್ತಿಯಿಂದ ಪ್ರಾರ್ಥಿಸುತ್ತದೆ.”

In moving this motion, I beg to submit that the Royal House of Mysore, for several centuries, has done yeomen service to the country. With change of times and circumstances, the Royal House has adjusted itself and has continued to serve particularly the present Rajpramukh His Highness the Maharaja of Mysore has so very nicely adjusted himself to the democratic Constitution and has set an example for the rest of India. It has been deeply appreciated throughout the country and it is a matter for deep gratification to all of us that this line of Royal House will continue and I wish to convey the congratulations to His Highness the Maharaja and also the blessings of this House to the Prince.

Mr. SPEAKER.—Motion moved :

“ಮೈಸೂರು ಸಂಸ್ಥಾನದ ಶ್ರೀಮನ್ಮಹಾರಾಜರವರಾದ ಶ್ರೀಮಜ್ಜಯ ಚಾಮರಾಜೇಂದ್ರ ಒಡೆಯರ್ ಬಹದ್ದೂರ್, ಜಿ.ಸಿ.ಬಿ., ಜಿ.ಸಿ.ಎಸ್.ಐ., ಅವರಿಗೆ